

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION – CINCINNATI**

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|-----------------------------|---|-------------------------------------|
| JERRY LAWRENCE McGLONE, II, | : | Case No. 1:22-cv-573 |
| | : | |
| Plaintiff, | : | Judge Matthew W. McFarland |
| | : | Magistrate Judge Kimberly A. Jolson |
| v. | : | |
| | : | |
| D.R.C. WARREN CORRECTIONAL | : | |
| INSTITUTION, et al., | : | |
| | : | |
| Defendants. | : | |

**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 6) AND
TERMINATING CASE**

This action is before the Court on Magistrate Judge Kimberly A. Jolson’s Report and Recommendation (Doc. 6). This matter was referred to Magistrate Judge Jolson pursuant to 28 U.S.C. § 636(b). In the Report and Recommendation, Magistrate Judge Jolson recounts that the Court denied Plaintiff’s motion to proceed *in forma pauperis* and ordered him to pay the \$ 402.00 filing fee and administrative fees within thirty days. That time has passed and Plaintiff has failed to pay. Accordingly, Magistrate Judge Jolson recommends dismissing the matter for failure to pay. Plaintiff will remain liable for the \$ 402.00 fee.

Plaintiff has not filed objections to the Report and Recommendation and the time to do so has expired. Fed. R. Civ. P. 72(b). As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon review, the Court **ADOPTS** the Report and Recommendation. Thus, the

Court **ORDERS** as follows:


- (1) The case is **DISMISSED** for the reasons stated in the Report.
- (2) Plaintiff is **ASSESSED** the full filing fees of \$ 402.00.
- (3) The Clerk of Court is **DIRECTED** to mail a copy of this Order to the Cashier of the Warren Correctional Facility in Lebanon, Ohio, with instructions that the Cashier be directed as follows:

The prison's Cashier shall deduct, and forward to the Clerk of Court, 20% of the preceding month's income credited to Plaintiff's account each time the amount in the account exceeds \$10.00 until the full fee has been paid.

- (4) The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a) that, for the reasons expressed in the Report, an appeal of this Order adopting the Report would not be taken in good faith, and therefore **DENIES** plaintiff leave to appeal *in forma pauperis*. See *McGore v. Wigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997), *overruled on other grounds*, *Jones v. Bock*, 549 U.S. 199, 203 (2007). Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).
- (5) This matter is **TERMINATED** from the Court's docket.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND